

## **OECA and Regional Report**

**Week Ending September 16, 2016**

### **Index:**

#### **Office of Compliance**

- 2016 CWA NPDES National Technical Inspector Workshop
- NPDES Electronic Reporting Tool (NetDMR) Training for Permittees and Data Providers
- Updated Version of Next Generation Compliance Enforcement Settlement Highlights

#### **Office of Site Remediation Enforcement**

- State Court Denies ARCO's Motion for Summary Judgment and Grants Plaintiffs' Motion for Summary Judgment on Claims for Restoration Damages - Anaconda Smelter Superfund Site, MT
- CERCLA 108(b) Feasibility Analysis Workgroup Meeting

#### **Region 1**

- Region 1 Files SPCC Expedited Settlement with Shawnee Peak Holding, Inc. [Docket No. CWA-01-2016-0061]
- Region 1 Settles RCRA Action Against Specialty Materials Business Trust [Docket No. RCRA-01-2015-0073]

#### **Region 2**

- CWA Consent Decree Lodged Against Total Petroleum Puerto Rico Corp.

#### **Region 3**

- Region Signs Ability to Pay Settlement to Gain Access to Insurance Policies in Connection with the Tank Car Corp. of America Site, PA
- EPA Signs Consent Order with Honeywell to Perform a Supplemental Remedial Investigation and Focused Feasibility Study at the Bendix Flight Systems Division Superfund Site, PA
- Region III Resolves CAA Violations at Dominion Transmission, Inc.'s Hastings Natural Gas Processing Facility in WV
- RCRA Consent Agreement and Final Order Filed in Settlement with Hi-Tech Color, Inc., Odenton, MD
- EPCRA Consent Agreement and Final Order Entered in Settlement with Hi-Tech Color, Inc., Odenton, MD
- Waste Water Treatment Plant Contractor and Company Indicted for CWA False Statement and Permit Offenses
- EPA Signs Environmental Covenant for Real Property Located at the Industrial Lane Superfund Site, Northampton County, PA
- Region III Issues Explanation of Significant Differences in Connection With Tyco Electronics Facility, Glen Rock, PA
- Entry of CWA Consent Decree Against Consol Energy

#### **Region 4**

- Directed Verdict Granted to EPA Contractors Working at Gulf States Steel Site in Gadsden, Alabama Becomes Final

#### **Region 5**

[PAGE ]

- **Region 5 Files a Consent Agreement and Final Order Commencing and Concluding a Proceeding with DYK Automotive, LLC, Headquartered in Medina, MN**
- **Region 5 Enters a CWA Consent Agreement and Final Order Against Fehn Companies, Albertville, MN**

#### **Region 6**

- **Region 6 Resolves RCRA Violations with Texas Christian University, Fort Worth, TX**
- **Region 6 Issues Two RCRA Consent Agreements and Final Orders to Trican Well Service, L.P., Oklahoma and Texas facility**
- **Region 6 Denied Entry for a RCRA Compliance Evaluation Inspection at McAlester Army Ammunition Depot, McAlester, OK**
- **Region 6 Meeting with the City of Pine Bluff Regarding Asbestos Violations at the City's Demolition Project, Pine Bluff, AR**
- **Region 6 Issues Multiple RCRA Consent Agreement and Final Orders to Whole Foods Markets**
- **Categorical Exclusion for Wastewater Treatment Plant and Lift Station Improvements Proposed by the Pueblo of San Felipe, NM**
- **Scheduled Laboratory Audit for the Lewisville, TX, Wastewater Treatment Plant**
- **National Environmental Policy Act National Meeting**
- **Golden Pass Liquefied Natural Gas Final Environmental Impact Statement Issued**
- **Brief and Motion Filed in Luminant NSR Litigation**

#### **Region 7**

- **Region 7 Settles FIFRA Violations by the Offerle Coop. Grain and Supply Company**
- **Region 7 Settles TCSA RRP Violations by SJ Construction LLC**
- **Region 7 Settles TSCA RRP Rule Violations by B.B. Contracting & Remodeling**

#### **Region 8**

- **Region 8 Issues SDWA Administrative Order to West End Water District, WY**
- **Region 8 Issues SDWA Administrative Order to Solvay Chemicals, WY**
- **Oil Pollution Act Settlement with Dakota Petroleum Transport Solutions LLC, Fort Berthold Reservation, ND**

#### **Region 9**

- **Imperial Irrigation District TSCA Settlement**
- **NDOT CWA Stormwater Consent Decree Entered**
- **Ninth Circuit Remand to EPA on CAA Section 172(c)(9) Contingency Measure Issue**

#### **Region 10**

- **Region 10 Settles CAA Section 112r Violations with Tesoro Refining & Marketing Company, LLC, Anacortes, WA**
- **Region 10 Settles CWA Violations with Sorrento Lactalis, Inc., Nampa, ID**
- **Region 10 Settles EPCRA Section 312 Violations with Oregon Potato Company d/b/a Freeze Pack, Pasco, WA**

## Office of Compliance

### Regular Highlights:

#### **Enforcement and Compliance Assurance Issues**

##### **2016 CWA NPDES National Technical Inspector Workshop**

Registration for the 2016 CWA NPDES National Technical Inspector Workshop has begun. The Workshop is scheduled for November 14-18, 2016, at EPA's Region 2 office. The agenda includes general sessions covering topics appropriate for both new and experienced inspectors and includes both classroom presentations and field exercises. The primary purpose of the Workshop is to train new inspectors, provide updates and increase the knowledgebase of our experienced inspectors, and facilitates the transfer of knowledge. Contact: Laura Paradise, 202-564-0615; Peter Bahor, 202-564-7029.

##### **NPDES Electronic Reporting Tool (NetDMR) Training for Permittees and Data Providers**

On Tuesday, September 13, 2016, OC staff provided a webinar and on-line demonstration, on NetDMR, to an estimated 65 permittees and data providers. NetDMR is a key NPDES e-reporting tool that enables National Pollutant Discharge Elimination System (NPDES) permittees to electronically sign and submit their Discharge Monitoring Reports. Topics covered were how to create and edit an account, entering DMR data, importing DMRs, downloading and reviewing Copy of Records (CORs), and system functionality. Contact: Cathy Bius, 214-665-6456; Edward Voisin, 202-564-1621; Jake Nguyen, 202-564-8298; Sabah Mirza, 202-564-8176.

##### **Updated Version of Next Generation Compliance Enforcement Settlement Highlights**

On September 8, OC posted an updated version of EPA's Next Generation Compliance Enforcement Settlement Highlights, on [EPA's Next Generation Compliance webpage](#). The updated version now summarizes, fifty-one (51) leading enforcement settlements with tools and approaches consistent with Next Generation Compliance (Next Gen) principles, with links to press releases and settlement documents. Contact: Jon Silberman, 202-564-2429.

---

## Office of Site Remediation Enforcement

### Regular Highlights:

#### Enforcement and Compliance Assurance Issues

##### State Court Denies ARCO's Motion for Summary Judgment and Grants Plaintiffs' Motion for Summary Judgment on Claims for Restoration Damages - Anaconda Smelter

###### Superfund Site, MT

On August 30<sup>th</sup>, 2016, the Montana State District Court (State Court), issued a ruling in favor of landowners seeking restoration damages under Montana State law, for the Anaconda Superfund Site in, *Gregory Christian, et al v. Atlantic Richfield Company*, Cause No. DV-08-173 (Montana Second Judicial District Court, Silver Bow County). The State Court granted landowners' cross-motion for summary judgment (MSJ) and denied Atlantic Richfield Company's (ARCO) MSJ seeking dismissal of landowners' claims for restoration damages under state law as barred by CERCLA Section 113(h) and CERCLA Section 122(e)(6).

On May 19, 2016, the Department of Justice on behalf of EPA filed an *amicus curiae* brief in this case, in support of defendant ARCO. An extensive and complicated CERCLA cleanup under EPA's direction is being performed by ARCO at the Anaconda Smelter Superfund Site (the Anaconda Site) in Montana pursuant. The *amicus* brief supported ARCO's position that landowners' claims for property restoration damages under state law are barred by sections 113(h) and 122(e)(6) of CERCLA. Plaintiff landowners are a group of individuals who own residential real property within the Anaconda Site. They are claiming damages for loss of use, enjoyment and value of their property. The proposed restoration claims would allow landowners to have ARCO perform actions that EPA believes may harm or interfere with the remedy selected under EPA's record of decision for the Anaconda Site.

In granting the landowners' MSJ and denying ARCO's MSJ the court did not reference, cite or mention EPA's *amicus* brief. The State Court ruled the landowners' proposed restoration is not barred by CERCLA Section 113 (h) because it does not challenge EPA's remedy, is not inconsistent with EPA's selected remedy and will not harm or interfere with the remedy selected for the Anaconda Site. The State Court also said the landowners had not been designated as PRPS and ARCO failed to carry its burden to demonstrate the absence of genuine issues of material fact as to whether the restoration claims were in conflict with the selected remedy, that CERCLA Section 122 (e)(6) did not prohibit their proposed actions for the Site. OECA/OSRE will discuss with Region 8, OGC and DOJ possible next steps in this case. Contact: Clarence Featherson, 202-564-4234.

##### CERCLA 108(b) Feasibility Analysis Workgroup Meeting

On August 31, 2016, a small workgroup consisting of representatives from OSRE and OSRTI convened to discuss the requirements as set forth in the draft 108(b) rule. A chart was developed which outlined the different types of requirements and is further broken down by actions needed by the Owner or Operator, EPA, and a public member. This chart will be used to facilitate

[PAGE ]

additional discussion on the types of guidance which will need to be developed as well as capturing the requirements for the anticipated FA system to handle FA data related to 108(b). The workgroup will be convening again the week of September 5, 2016 to discuss the draft Statement of Work for the contractor. Contact: Jacquie Huynh-Linenberg, 202-564-0547.

---

[PAGE ]

## Region 1

### Regular Highlights:

#### Enforcement and Compliance Assurance Issues

##### Region 1 Files SPCC Expedited Settlement with Shawnee Peak Holding, Inc. [Docket No. CWA-01-2016-0061]

On September 14, 2016, Region 1 entered into an expedited settlement agreement with Shawnee Peak Holding, Inc. of Bridgton, Maine addressing violations of the Oil Pollution Prevention regulations at 40 C.F.R. Part 112, promulgated under Section 311(j) of the Clean Water Act. An EPA Spill Prevention Control and Countermeasure (SPCC) inspection at the Shawnee Peak ski resort revealed that the facility did not have a fully implemented SPCC plan. In addition, the facility failed to have proper secondary containment around certain portable oil storage containers (drums) being stored at the facility. Furthermore, the EPA inspection team observed oil spills and leaks in certain locations at the facility. Shawnee Peak has addressed the deficiencies identified above and has submitted an SPCC Plan for the facility. The purpose of the SPCC program is to prevent oil spills before they happen, thus the need for a properly prepared and implemented plan is critical to the success of the program. Pursuant to the agreement, Shawnee Peak Holding, Inc. will pay a \$4,600 penalty. This settlement will ensure that the company is implementing necessary precautions to reduce the occurrence and severity of oil spills at its facility. Contact: Joseph Canzano, 617-918-1763; Jeff Kopf, 617-918-1796.

##### Region 1 Settles RCRA Action Against Specialty Materials Business Trust [Docket No. RCRA-01-2015-0073]

On September 14, 2016, Region 1 filed a consent agreement and final order resolving violations of RCRA, the federal hazardous waste management regulations, and the Massachusetts hazardous waste regulations. Specialty Materials Business Trust, d/b/a Specialty Materials, Inc., manufactures fiber products and composite materials that are used in aerospace, sporting, and industrial applications at a facility located in Lowell, Massachusetts. The Region documented 14 hazardous waste management violations at the Specialty Materials facility during an inspection. After the inspection, Specialty Materials brought its facility into compliance with the hazardous waste management requirements. Specialty Materials has agreed to pay a reduced penalty of \$150,000, based on an ability-to-pay analysis conducted by the Region, to resolve the RCRA violations. Contact: Susann Nachmann, 617-918-1871; Christine Foot, 617-918-1333.

---

## Region 2

### Regular Highlights:

#### **Enforcement and Compliance Assurance Issues**

##### **CWA Consent Decree Lodged Against Total Petroleum Puerto Rico Corp.**

On September 13, 2016, DOJ simultaneously filed the Complaint and Consent Decree in the U.S. District Court for the District of Puerto Rico, which settles our civil action against the Total Petroleum Puerto Rico Corporation (TPPRC) for CWA violations at TPPRC's Guaynabo Bulk Fuels Terminal. The Decree provides for the payment of a civil penalty of \$345,000 and the performance of a SEP costing \$40,000. The SEP consists of the placement of approximately 30 artificial reef modules for the third and final phase of the Condado Lagoon Taíno Coral Trail and Reef Enhancement Project, built in the northeastern reach of the Condado Lagoon's outlet to the Atlantic Ocean. The Decree also requires TPPRC to construct a new stormwater collection and discharge system ("New S3") which will collect and discharge stormwater into the receiving water through unobstructed free flow engineered structures during an event equal to or greater than a 100-year / 24-hour storm. This New S3 will also provide for new oil/water separation treatments at two new discharge points and adequate stormwater sampling locations to monitor runoff discharges from the Terminal into the receiving body of water. TPPRC will also have to submit updated applications for NPDES stormwater permits at the Terminal. Contact: José Rivera, 787-977-5842; Kara Murphy, 212-637-3211.

---

## Region 3

### Regular Highlights:

#### **Enforcement and Compliance Assurance Issues**

##### **Region Signs Ability to Pay Settlement to Gain Access to Insurance Policies in Connection with the Tank Car Corp. of America Site, PA**

Region 3 approved a Superfund ability-to-pay based judicial settlement of claims for reimbursement of costs incurred and to be incurred in connection with the Tank Car Corporation of America Site in Oreland, Montgomery County, Pennsylvania (Site). Under the proposed Consent Decree, Tank Car Corporation of America (TCCA): (1) confesses to a Monetary Judgment of \$14,009,329.48 in favor of the United States; (2) irrevocably assigns to the United States all of TCCA's rights to proceeds under its insurance policies; (3) agrees to execute all necessary documentation to allow the pursuit and collection, by the United States, of any insurance claims against TCCA's carriers relating to the Site; and (4) agrees to reasonably cooperate with and assist the United States in asserting and pursuing claims for coverage under the TCCA insurance policies and in negotiating or litigating claims under the policies. In return, TCCA receives from the United States a Site-wide release under Sections 106 and 107 of CERCLA, subject to standard reservations, and an agreement that EPA will release a CERCLA 107(l) lien perfected on TCCA's portion of the Site property in January 2012. There are two insurance carriers with whom the United States anticipates negotiating a settlement of claims.

TCCA acquired the property in 1921 and repaired and/or maintained railroad tank cars through 2001. TCCA's operations resulted in the generation of wastes containing hazardous substances that were placed into a lagoon system and buried rail cars at the property and the accumulation of sand blasting grit containing hazardous substances found on the property and adjacent parcels. EPA conducted a removal action at the Site in 2007 which involved the removal of hazardous substances from tanks and piping, contaminated soils, and a formerly used lagoon; consolidation of lead-contaminated sandblasting grit onto a portion of the property; and placement of a cover atop portions of the property. EPA perfected a CERCLA § 107(l) lien on the property in January 2012. Springfield Township filed an action to condemn the property in May 2016; that action is not yet completed. Because insurance carriers frequently desire to buy back policies leaving no exposure in the future, EPA's referral to the Department of Justice included estimated future costs should the Site be listed on the NPL, an RI/FS performed, and a remedial action implemented. Contact: Andrew Goldman, 215-814-2487; Mary Rugala, 215-814-2686; Carlyn Prisk, 215-814-2625.

##### **EPA Signs Consent Order with Honeywell to Perform a Supplemental Remedial Investigation and Focused Feasibility Study at the Bendix Flight Systems Division Superfund Site, PA**

On September 12, 2016 the Director of the Hazardous Site Cleanup Division signed an Administrative Settlement Agreement and Order on Consent for Supplemental Remedial Investigation/Focused Feasibility Study (CERC-03-2016-0102DC) (AOC for Supplemental

RI/Focused FS) which had been signed by the responsible party, Honeywell International Inc. (Honeywell), under which Honeywell will perform a Supplemental RI/Focused FS at the Bendix Flight Systems Division Superfund Site (the Site) in South Montrose, Susquehanna County, Pennsylvania. Honeywell is the current owner and operator of the Bendix Property, and the successor-in-interest to the owners and operators at the time of disposal, and is the only responsible party at the Site. The Site consists of: (1) an approximately 64-acre property where manufacture of, among other things, coat hangers, wiring harnesses for military equipment, and aircraft instruments such as circuit boards occurred from 1952 until 1996 (the Bendix Property); and (2) all locations to which hazardous substances or pollutants and contaminants have migrated from the Bendix Property. In January 1982, the results of a groundwater quality assessment conducted by Bendix indicated the presence of various organic chemicals, including trichloroethylene (TCE), in soil, groundwater, and a holding pond at the Site.

The Site was added to the National Priorities List in 1987, and Allied, the predecessor to Honeywell at the Site, entered into a Consent Order and Agreement with the Pennsylvania Department of Environmental Resources to perform a remedial investigation and feasibility study at the Site. On September 30, 1988, EPA issued a Record of Decision (ROD) selecting a remedy to address TCE-contaminated soils and groundwater at the Site. The remedy included, among other things, pumping and treating the groundwater, excavation/aeration of contaminated soils, and treatment of domestic supply wells. Allied entered into a Consent Decree with the United States on July 13, 1990 in which it agreed to perform the remedial design and the remedial action at the Site and to pay the United States' past response costs and oversight costs. An Explanation of Significant Differences (ESD) changed the soil remedy in a portion of the Site in 1995. Construction of the remedy was completed in 1996. In 2008, a Second ESD added institutional controls to protect the integrity of the remedial components at the Site and to prohibit extraction of groundwater or excavation of soils at the Site.

Five Year Reviews (FYRs) of the remedy were conducted in 1997, 2002, 2007, and 2012. Each of these reviews concluded that the groundwater cleanup level of 1 ppb TCE established in the ROD had not been achieved, and future protectiveness was not assured by the existing remedy. The Fourth FYR recommended the following actions be taken to achieve future protectiveness: (1) potential gaps in the capture of the glacial till groundwater must be evaluated and addressed; (2) cleanup goals for Site-related contaminants need to be reviewed and modified as appropriate; and (3) source areas of TCE and other VOCs in the soil and groundwater must be sufficiently delineated and appropriate response actions must be taken to achieve RAOs and cleanup goals. Although Honeywell submitted several phases of supplemental site investigation (SSI) reports in an attempt to address the issues raised by EPA in the 5YR reports, EPA informed Honeywell that EPA would develop the conceptual site model (CSM) for the Site, as well as a data gap analysis and recommendations on how to address those data gaps. In September 2015, EPA made its CSM for the Site available to Honeywell along with a data gap analysis and recommendations on how to address those data gaps, which will be accomplished under the AOC for Supplemental RI/Focused FS. Contact: Elizabeth Lukens, 215-814-2661; Andrew Hass, 215-814-2049.

**Region III Resolves CAA Violations at Dominion Transmission, Inc.'s Hastings Natural Gas Processing Facility in WV**

On September 14, 2016, the Regional Judicial Officer signed a Consent Agreement and Final Order (CAFO) resolving alleged CAA violations by Dominion Transmission at its Hastings Natural Gas processing facility in Pine Grove, West Virginia. The CAFO, which simultaneously commenced and resolved the matter under 40 CFR § 22.13(b), alleged that Dominion failed to include three areas of the gas processing plant (the gas inlet area, the absorber pump seal pot area, and the liquid return line from the Vapor Recovery Unit) in the existing Leak Detection and Repair (LDAR) program at the facility required by 40 C.F.R. Part 60, Subpart KKK (40 CFR §§ 60.630 – 636). The CAFO assesses a penalty of \$98,000 and also requires that Dominion: 1) have a third party audit performed of its LDAR program following the inclusion of these areas in the LDAR program, 2) conduct comparative monitoring as part of the audit, 3) implement a corrective action plan if the comparative monitoring shows a high leak rate, and 4) implement an LDAR program using the standards in Subpart KKK at the nearby Galmish loading rack for three years. All of these conditions of the settlement are incorporated into the CAFO under the authority of Section 112(d) of the CAA. Contact: Doug Snyder, 215-814-2692; Chip Hosford, 215-814-3158.

**RCRA Consent Agreement and Final Order Filed in Settlement with Hi-Tech Color, Inc., Odenton, MD**

Hi-Tech Color, Inc., a manufacturer of inks used to print on plastic located in Odenton, Maryland, will pay a \$56,933 penalty to settle allegations of RCRA C violations. The CAFO was filed on September 14, 2016.

Hi-Tech's RCRA C violations primarily arose from lax attention to the preventative measures of the RCRA C hazardous waste management program. Inspection observations included open and unlabeled hazardous waste containers, failure to file a biennial report, failure to train employees handling hazardous waste, and failure to make hazardous waste determinations. Contact: Joyce Howell, 215-814-2644; Martin Matlin, 215-814-5789.

**EPCRA Consent Agreement and Final Order Entered in Settlement with Hi-Tech Color, Inc., Odenton, MD**

On September 14, 2016, the Region 3 Regional Judicial Officer entered a Final Order confirming the Consent Agreement between EPA and Hi-Tech Color, Inc. resolving Hi-Tech Color's 14 EPCRA Section 313 violations. Hi-Tech Color, Inc. failed to submit the required toxic chemical release form (Form R) to the Administrator of EPA or to the State of Maryland for reportable chemicals for calendar years 2012 – 2014. Hi-Tech Color's failure to file the Form Rs as required violated Section 313 of EPCRA, 42 U.S.C. § 11023 and 40 C.F.R. § 372.30.

Hi-Tech Color, Inc. will pay a \$50,176 cash penalty and perform a SEP to implement a Compliance Focused Environmental Management System valued at \$20,370. Contact: Joyce Howell, 215-814-2644; Craig Yussen, 215-814-2151.

### **Waste Water Treatment Plant Contractor and Company Indicted for CWA False Statement and Permit Offenses**

On September 6, 2016, a federal grand jury in the U.S. District Court for the Middle District of Pennsylvania returned a 16-count indictment charging a sewage treatment plant operator and his company with conspiracy to violate the CWA, failing to take required compliance samples at two waste water treatment plants they had been hired to operate, and falsely reporting sample results for more than 100 days over a six month period in 2013 and 2014 to the Pennsylvania Department of Environmental Protection. In addition, David D. Klepadlo, a licensed and certified operator with 20 years of experience, and his company, David D. Klepadlo & Associates Inc., failed to properly operate and maintain the systems at the two wastewater treatment plants. This resulted in waste water containing fecal coliform, chlorine and other pollutants being only partially treated and flowing into Susquehanna River tributaries.

From December 2013 through June 2014, Klepadlo failed to take required samples in accordance with the NPDES discharge permits at the Greenfield Township Sewer Authority in Lackawanna County and the Benton-Nicholson Joint Sewer Authority in Lackawanna and Wyoming counties. The Greenfield Township plant discharges wastewater into a tributary of the Dundaff Creek, and the Benton-Nicholson plant discharges into a tributary of the South Branch Tunkhannock Creek; both creeks eventually flow into the Susquehanna River, a major tributary of the Chesapeake Bay.

The Clean Water Act violations included unpermitted discharges of toxic water pollutants and other pollutants into the environment, falsifying sample results on discharge monitoring reports submitted to the PADEP, tampering with samples, and tampering with a government witness. The charges stem from a joint investigation by the U.S. Environmental Protection Agency, the FBI and the PADEP.

If convicted of all charges, Klepadlo faces a statutory maximum sentence of 21 years in prison, an \$800 special assessment, and a fine up to \$250,000 per count, the statutory maximum for a felony. With respect to his company, David D. Klepadlo & Associates, Inc., the total maximum and minimum sentence is five years' probation and one year probation and a fine up to \$500,000 per count, the statutory maximum for a felony. Contact: Patricia Miller, 215-814-2662.

### **EPA Signs Environmental Covenant for Real Property Located at the Industrial Lane Superfund Site, Northampton County, PA**

On September 13, 2016, the Acting Director of the Hazardous Site Cleanup Division signed an Environmental Covenant, which, when recorded by the Recorder of Deeds for Northampton County, Pennsylvania, will implement institutional controls selected for the Industrial Lane Superfund Site (Site) in Glendon Borough and Williams Township, Pennsylvania. The Site includes an unlined area of the Chrin Brothers Sanitary Landfill and the associated contaminated groundwater plume. On November 26, 2013, Chrin Brothers, Inc. (Chrin Brothers) entered into a Consent Decree with EPA under CERCLA that required it, upon receiving notice from EPA that institutional controls are required at the Site, to implement such institutional controls by recording an environmental covenant in accordance with the Pennsylvania Uniform Environmental Covenants Act (PA UECA). On December 29, 2015, EPA issued the Second

Explanation of Significant Differences (Second ESD), which required institutional controls at the Site. EPA subsequently notified Chrin Brothers pursuant to the Consent Decree that institutional controls are required at the Site, in accordance with the Second ESD. The institutional controls will impose activity and use restrictions on approximately 64 acres of property owned by Chrin Brothers, the Grantor under the Environmental Covenant, including generally prohibiting use of the property in any manner that EPA determines will adversely affect the response actions performed at the Site, and generally prohibiting new well construction, use of the groundwater unless it is treated by the groundwater treatment plant and meets the discharge values in the NPDES permit, use of treated groundwater for any purpose except landfill operations, actions that could interfere with, obstruct, or disturb the operation or maintenance of the groundwater treatment plant, extraction wells, and monitoring wells, and activities that could disturb or otherwise adversely impact the landfill cap, unless EPA in consultation with PADEP determines that such activities will not adversely impact the Operable Unit 2 remedy. The Environmental Covenant also grants to EPA and PADEP a reasonable right of access to the Site in connection with enforcement of the Environmental Covenant and to conduct any activity relating to response actions at the Site. Contact: Gwen Pospisil, 215-814-2678; Roy Schrock, 215-814-3210.

**Region III Issues Explanation of Significant Differences in Connection With Tyco Electronics Facility, Glen Rock, PA**

On August 30, 2016, an Explanation of Significant Differences describing modification of the EPA's 1991 Corrective Measures for the Tyco (AMP) Electronics Facility (Facility) was finalized after a thirty day public comment period. Specifically, the ESD establishes a Technical Impracticability (TI) Zone for 1,1,2-trichloroethane (1,1,2-TCA) at the Facility; modifies the groundwater cleanup goal for vinyl chloride from the original risk action level of 0.2 µg/L to the Maximum Contaminant Level (MCL), promulgated at 40 C.F.R. Part 141 pursuant to Section 1412 of the Safe Drinking Water Act, 42 U.S.C. § 300g-1, of 2.0 µg/L and requires institutional controls to implement land and groundwater use restrictions at the Facility. EPA has determined that the selected Corrective Measures, as modified by the ESD, remain protective of human health and the environment. Contact: Yvette Hamilton, 215-814-2636; Khai Dao, 215-814-5467.

**Entry of CWA Consent Decree Against Consol Energy**

On September 14, 2016 a Consent Decree (CD) between plaintiffs the United States, on behalf of EPA and the PADEP with defendants Consol Energy Inc. CNX Coal Resources and Consol Pennsylvania Coal Co., LLC (Defendants) entered by the Western District of Pennsylvania. The CD resolves years of CWA violations at the Bailey and Enlow Mine Complex in western Pennsylvania, and requires Defendants to implement water management measures designed to prevent contaminated discharges, including significant total dissolved solids filled discharges, along with long-term monitoring and contingency plans to be implemented in advance of any projected exhaustion of water storage. In addition, the CD requires Defendants to develop and implement an environmental management system at the mining complex to ensure overall compliance with applicable environmental laws. Finally, the CD requires Defendants to pay a \$3 million civil penalty. Contact: Doug Frankenthaler, 215-814-2472; Chad Harsh, 215-814-2633.

## Region 4

### Regular Highlights:

### OGC Issues

#### **Directed Verdict Granted to EPA Contractors Working at Gulf States Steel Site in Gadsden, Alabama Becomes Final**

On September 5, 2016, the 30-day time period for Gadsden Industrial Park, LLC (GIP) to appeal the directed verdict granted to EPA contractors CMC and Harsco, relating to their removal work at Gulf State Steel Site in Gadsden, Alabama, expired. On August 5, 2016, Judge Bowdre granted a directed verdict to CMC and Harsco on GIP's conversion claims against the EPA contractors' regarding the covering or removal of railroad tracks. The court ruled that because the railroad tracks were fixtures, having been incorporated into real property GIP excluded from its purchase of the bankrupt Gulf States Steel estate, a conversion claim cannot lie for the taking of personal property that has been incorporated into real property. Still remaining in the Northern District of Alabama is a separate case against EPA, CMC and Harsco for the conversion or negligent removal of "kish" and slag against the EPA and its contractors. That case also includes a claim against the EPA for the conversion of the railroad tracks which the EPA will argue is now moribund.

Also still pending are two lawsuits by GIP against the EPA in the Court of Federal Claims that argue that EPA violated GIP's 5<sup>th</sup> Amendment rights by taking the "kish" and slag, and the railroad lines. Contact: Susan Capel, 404-562-9566.

---

## Region 5

### Regular Highlights:

#### Enforcement and Compliance Assurance Issues

##### Region 5 Files a Consent Agreement and Final Order Commencing and Concluding a Proceeding with DYK Automotive, LLC, Headquartered in Medina, MN

On September 13, 2016, Region 5 filed a Consent Agreement and Final Order Commencing and Concluding a Proceeding with the Respondent to settle alleged violations of Section 12(a)(1)(E) of FIFRA, 7 U.S.C. §136j(a)(1)(E). Specifically, the Respondent allegedly distributed or sold two misbranded pesticides on a total of seven occasions. The Respondent agreed to pay a civil penalty of \$42,525. DYK is a nationwide automotive aftermarket manufacturer and distributor that provides branded and private label packaged oil, chemicals, parts and accessories. DYK is a mid-sized organization that opened its doors in 2009 and now has 230 employees. Contact: Nidhi O'Meara, 312-886-0568; Claudia Niess, 312-886-7598.

##### Region 5 Enters a CWA Consent Agreement and Final Order Against Fehn Companies, Albertville, MN

On September 13, 2016, EPA and Respondent entered into a Consent Agreement and Final Order which resolved its alleged violation of sections 301 and 404 of the Clean Water Act, 33 U.S.C. §§ 1311 and 1344. The CAFO requires Respondent to comply with the Act and to pay a civil penalty of \$1,000.00. In August of 2014, Respondent was a subcontractor and added 7,165 cubic yards of rock, sand, and dirt from bulldozers and backhoes into 1.11 acres of wetlands to build a baseball diamond at the Lexington Athletic Complex in Blaine, Minnesota, without a U.S. Army Corps of Engineers Section 404(b) Dredge and Fill Permit, 33 U.S.C. § 1344, and in violation of section 301 of the Act, 33 U.S.C. § 1311. Contact: Jeffery Trevino, 312-886-6729; Kerryann Weaver, 312-353-9483.

---

## **Region 6**

### **Regular Highlights:**

#### **Enforcement and Compliance Assurance Issues**

##### **Region 6 Resolves RCRA Violations with Texas Christian University, Fort Worth, TX**

On September 6, 2016, Region 6 filed a Consent Agreement and Final Order (CAFO) to resolve a violations of the Resource Conservation and Recovery Act. Using data analysis, EPA discovered that Texas Christian University (TCU), though identifying itself as a small quantity generator of hazardous waste, operated as a large quantity generator (LQG) in 2014. TCU failed to notify the State of Texas or EPA of its status change and failed to comply with the requirements attendant with the LQG status. The CAFO requires TCU to pay a \$30,591 penalty and to comply with RCRA regulations. Contact: Fred Deppe, 214-665-7591; James Murdock, 214-665-7302.

##### **Region 6 Issues Two RCRA Consent Agreements and Final Orders to Trican Well Service, L.P., Oklahoma and Texas facility**

On September 8, 2016, Region 6 issued a cluster of two (2) Consent Agreements and Final Orders (CAFOs) under the Resource Conservation and Recovery Act (RCRA) to Trican Well Service L.P. One CAFO covered two Oklahoma locations (Shawnee and Woodward) and the other CAFO covered four Texas locations (Longview, Mathis, Odessa, and Springtown). Both CAFOs were issued in response to RCRA violations including: 1) failure to notify EPA of changes in their generator status; 2) managing hazardous waste without EPA ID numbers; and 3) failure to operate within the stated generator status for each facility. The CAFOs require Trican Well Service L.P. to pay a total civil penalty of \$449,973.00 (Oklahoma CAFO \$94,239; Texas CAFO \$355,734) and certify that all Trican facilities are in compliance with all requirements for their respective generator status. Contact: Debra Pandak, 214-665-7565; Jeffery Clay, 214-665-7298.

##### **Region 6 Denied Entry for a RCRA Compliance Evaluation Inspection at McAlester Army Ammunition Depot, McAlester, OK**

On September 12, 2016, Enforcement Officers from Region 6 Compliance Assurance and Enforcement Division attempted to initiate a Compliance Evaluation Inspection (CEI) at the McAlester Army Ammunition Depot (MAAD) in McAlester, Oklahoma. The purpose of the CEI was to evaluate the facility's compliance with the Resource Conservation and Recovery Act, RCRA permit requirements, and verify proper facility operations and maintenance. During the attempt to gain entry, MAAD denied entry to the EPA representatives, stating that they would only allow entry if the Enforcement Officers provided the base personal identifiable information (PII). The reason given by MAAD for requiring the PII was to allow MAAD to determine if the Enforcement Officers had any pending arrest warrants. The Enforcement Officers refused to provide the PII, per Agency policy, and returned to the Regional Office. Contact: David Robertson, 214-665-7363; Joyce Johnson, 214-665-8548.

### **Region 6 Meeting with the City of Pine Bluff Regarding Asbestos Violations at the City's Demolition Project, Pine Bluff, AR**

On September 8, 2016, Region 6 representatives met with the City of Pine Bluff and Arkansas Community Corrections to discuss enforcement options for resolving compliance issues identified by EPA's May 10-12, 2016 inspection of the City's demolition project. A representative from the Arkansas Department of Environmental Quality (ADEQ) also attended the meeting. EPA's inspection revealed violations of the asbestos National Emissions Standards for Hazardous Air Pollutants (NESHAP) and the Worker Protection Rule. ADEQ administers the NESHAP program in Arkansas and accompanied the Region on the May 2016 inspection. ADEQ plans to address the NESHAP violations and EPA will address the Worker Protection violations. At the meeting, Region 6 offered to resolve violations through administrative orders on consent and provided draft settlement documents to the City. The City and Community Corrections agreed to respond back to the Region's settlement proposal in approximately two weeks. Contact: Mark Potts, 214-665-2723.

### **Region 6 Issues Multiple RCRA Consent Agreement and Final Orders to Whole Foods Markets**

On September 20, 2016, Region 6 issued a cluster of five (5) Consent Agreements and Final Orders to Whole Foods Markets resolving violations of the Resource Conservation and Recovery Act (RCRA) hazardous waste generator requirements. Each CAFO is state specific, addressing the Whole Foods facilities in that state. Together, the five CAFOs address violations at 44 facilities in Arkansas, Louisiana, New Mexico, Oklahoma and Texas. In addition to requiring compliance with all applicable RCRA generator requirements, the Texas CAFO implements a supplemental environmental project (SEP). The SEP, valued at \$500,000, will provide training events for the retail sector in Texas and disseminate resource information to raise awareness and educate the industry on the federal and state hazardous waste laws that apply to the day-to-day operations of a retailer. Each CAFO includes a penalty, which taken together totals \$3.5 million. Contact: Gabriel Salinas, 214-665-8483; Marcia Moncrieffe, 214-665-7343.

### **Categorical Exclusion for Wastewater Treatment Plant and Lift Station Improvements Proposed by the Pueblo of San Felipe, NM**

On August 31, 2016, the Enforcement Division's Special Projects Staff completed a Categorical Exclusion (CatEx) for the Pueblo of San Felipe in San Felipe, Sandoval County, New Mexico, for the subject project. The project includes equipment installation and improvements which will improve the quality and efficiency of the existing wastewater treatment plant. Contact: Magda Dallemagne, 214-665-7396; Donald Walker, 214-665-6769.

### **Scheduled Laboratory Audit for the Lewisville, TX, Wastewater Treatment Plant**

The second Laboratory Audit conducted in several years has been scheduled for September 12 – 16, 2016. CAED's Water Enforcement Branch will be conducting a Laboratory Audit on the City of Lewisville Wastewater Treatment Plant, located at 897 Treatment Plant Rd., in Lewisville, Texas. Contact: Magda Dallemagne, 214-665-7396; David Long, 214-665-7323.

### **National Environmental Policy Act National Meeting**

On September 19-22, 2016, Robert Houston will travel to Washington, D.C. to participate in the NEPA National Meeting. The national meeting will provide a forum to explore and discuss obstacles and identify pressing issues of concern and challenges for NEPA reviewers.

Supervisors will also identify challenges and actions to strengthen relationships and efficiencies between HQ, the Regions and with associate reviewers in the program offices. Contact: Robert Houston, 214-665-8565.

### **Golden Pass Liquefied Natural Gas Final Environmental Impact Statement Issued**

On September 9, 2016, the NEPA program issued a detailed comment letter to the Federal Energy Regulatory Commission regarding the Golden Pass LNG Final EIS. The proposed project will provide facilities necessary to liquefy and export domestic natural gas to global markets. Region 6 rated the DEIS "EC-2," i.e. we have environmental concerns and request additional information in the Final EIS. EPA's concerns are for potential adverse impacts to environmental justice populations, greenhouse gas emissions, and wetlands. In addition to the concerns above, EPA requested additional information regarding each topic previously listed as well as indirect effects. Contact: Stephanie Meyers, 214-665-6496.

### **Brief and Motion Filed in Luminant NSR Litigation**

On September 13, 2016, Luminant filed a brief and motion, opposing EPA's motion asking the district court to enter a final judgment in the NSR case. Luminant argued that the district court did not dismiss the injunctive relief component of the remaining NSR claim and that the United States should be required to voluntarily dismiss both the injunctive relief and penalty components of the remaining NSR claim before it can appeal the case to the 5<sup>th</sup> Circuit. Contact: Anupa Ahuja, 214-665-2701; Leonard Schilling, 214-665-7166.

### **Criminal Guilty Plea Against Wood Group PSN Inc.**

On August 10, 2016, a representative from Wood Group PSN Inc. appeared in U.S. District Court and pleaded guilty to one (1) felony count under 18 U.S.C § 1001, for creating approximately eighty-seven (87) false documents which were required to be maintained under the Outer Continental Shelf Lands Act for platforms located in the Gulf of Mexico in the Western District of Louisiana. As part of the proposed Rule 11(c)(1)(c) plea agreement for this investigation, Wood Group PSN Inc. has agreed to pay a criminal fine of \$7 million.

Community Service (Similar to Supplemental Environmental Project): In addition, Wood Group PSN Inc. has agreed to pay \$500,000 in community service. Wood Group will pay \$300,000 to a United States Fish & Wildlife project which will be used to construct approximately 625 linear feet of oyster reef structures and to create a wave energy abatement area to protect rapidly eroding shoreline and adjacent coastal marsh while also creating fisheries habitat and enhancing the overall estuarine water quality. This reduction of erosion will also protect coastal infrastructure of Hwy 27, a major hurricane evacuation route in the area. In addition, Wood Group PSN Inc. has agreed to pay \$100,000 to the Barataria-Terrebonne National Estuary Program (BTNEP) for habitat restoration, as well as \$50,000 to the Nature Conservancy for

projects in the affected area, and an additional \$50,000 to the Southern Environmental Enforcement Network.

Wood Group PSN Inc.'s sentencing has not yet been scheduled. This case was investigated by the Baton Rouge Office of the Criminal Investigation Division. Contact: Russell Murdock, 214-665-3189.

---

[PAGE ]

## Region 7

### Regular Highlights:

#### Enforcement and Compliance Assurance Issues

##### Region 7 Settles FIFRA Violations by the Offerle Coop. Grain and Supply Company

On September 14, 2016, Region 7 filed a Complaint and Consent Agreement/Final Order in the matter of The Offerle Cooperative Grain and Supply Company. Offerle Coop is a retail repackager of certain agricultural pesticides, including RT3, EPA Reg. No. 524-544, registered to Monsanto Company. This settlement resolves alleged violations of the Federal Insecticide, Fungicide, and Rodenticide Act resulting from inadequate recordkeeping and a misbranded bulk pesticide storage tank containing RT3 that was repackaged and held for sale or distribution at Offerle Coop's branch facility in Bucklin, Kansas. The Complaint and Consent Agreement/Final Order agreed to between EPA Region 7 and Offerle Coop simultaneously commences and concludes this enforcement action and obligates the company to pay a mitigated civil administrative penalty of \$11,300. Contact: Jared Pessetto, 913-551-7793.

##### Region 7 Settles TCSA RRP Violations by SJ Construction LLC

On September 7, 2016, Region 7 entered a Consent Agreement and Final Order (CAFO) in the matter of SJ Construction LLC, in settlement of TSCA violations. The Respondent is a general contractor. During a work site inspection it was revealed that the Respondent was not complying with the RRP requirements. The following violations were documented during the inspection: failure of a firm that performs, offers, or claims to perform renovations or dust sampling for compensation to obtain initial certification; failure of a firm to assign a certified renovator; failure of a firm to timely provide the owner of the unit with the *Renovate Right* pamphlet; failure of a firm to post signs clearly defining the work area and warning people not involved in renovation activities to remain outside the work area; failure of a firm to cover the floor surface with taped-down plastic sheeting or other impermeable material in the work area six (6) feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater; failure of a firm to close all doors and windows within twenty (20) feet of the renovation; and failure of a firm to contain waste from renovation activities to prevent releases of dust and debris before the waste is removed from the work area for disposal. Failure to comply with the RRP rule is a violation of TSCA. During the course of negotiations, Respondent made an ability to pay claim. EPA evaluated the submitted paperwork in conjunction with the proposed penalty and determined that Respondent had a zero ability to pay. As a result of this matter, Respondent became a certified firm and its main principal became a certified renovator. Contact: Kelley Catlin, 913-551-7110.

##### Region 7 Settles TSCA RRP Rule Violations by B.B. Contracting & Remodeling

On September 6, 2016, EPA Region 7 entered a Consent Agreement and Final Order (CAFO) in the matter of B.B. Contracting & Remodeling (Respondent), in settlement of TSCA Renovation, Repair, and Painting Rule violations. The Respondent is a company performing renovations and

based in St. Louis, Missouri. A work site inspection revealed that Respondent performed regulated renovation activities on target housing. The EPA inspection revealed the following violations: failure to obtain initial firm certification from EPA; failure to post signs clearly defining the work area and warning occupants and other persons not involved in renovation activities to remain outside of the work area; failure, before beginning the renovation, to close and cover all ducts opening in the work area with taped-down plastic sheeting or other impermeable material; failure, before beginning the renovation, to cover the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area 6 feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater; and failure to contain waste from renovation activities to prevent releases of dust and debris before the waste is removed from the work area for storage or disposal. This CAFO simultaneously commences and concludes this enforcement action and obligates Respondent to pay a mitigated civil administrative penalty of \$0, based on an Ability to Pay Determination. Contact: Jennifer Trotter, 913-551-7180.

---

## **Region 8**

### **Regular Highlights:**

#### **Enforcement and Compliance Assurance Issues**

##### **Region 8 Issues SDWA Administrative Order to West End Water District, WY**

The West End Water District owns and operates the West End Water District public water system (System) in Weston County, Wyoming. The System uses untreated groundwater to serve approximately 225 year-round residents. On September 12, 2016, Region 8 issued an administrative order (Order) alleging that the System violated EPA's National Primary Drinking Water Regulations by failing to monitor for nitrate and total coliform bacteria, to consult with the EPA regarding actions to correct significant deficiencies, to timely prepare and deliver an annual consumer confidence report (CCR) to the System's customers, and by failing to submit certification of such CCR to EPA. The EPA, rather than the State of Wyoming, took this action because Wyoming has not applied for primary authority to enforce the public water supply protection program. Contact: Mia Bearley, 303-312-6554.

##### **Region 8 Issues SDWA Administrative Order to Solvay Chemicals, WY**

Solvay Chemical, Inc., owns and operates the Solvay Soda Ash Joint Venture public water system (System) in Sweetwater County, Wyoming. The System uses a surface water source and nine (9) service connections to regularly serve an average of 452 of the same individuals daily for at least six months out of the year. On September 12, 2016, Region 8 issued an administrative order (Order) alleging that the System violated EPA's National Primary Drinking Water Regulations. Alleged violations include the System's failure to monitor for lead and copper, the System's exceedance of the maximum contaminant level for disinfection byproducts and exceedance of the maximum turbidity of 1.0 nephelometric turbidity unit, as well as the System's failure to treat at least 95 percent of the water delivered to the public pursuant to the Long Term 2 Enhanced Surface Water Treatment Rule. Contact: Mia Bearley, 303-312-6554.

##### **Oil Pollution Act Settlement with Dakota Petroleum Transport Solutions LLC, Fort Berthold Reservation, ND**

Dakota Petroleum Transport Solutions LLC (DPTS) has agreed to a Combined Complaint and Consent Agreement (CCCA) under which DPTS will pay \$24,000 for violations pursuant to section 311(b)(3) of the Clean Water Act. The DPTS facility is located within the Fort Berthold Indian Reservation near New Town, North Dakota. Alleged violations include a discharge on or about May 4, 2012, of approximately 65 barrels of crude oil that occurred when a railcar, which was being transloaded with crude oil from a tanker truck, was overfilled and flowed into a wetland. The wetland leads to an intermittent stream of stormwater runoff from the City of New Town, and eventually to Lake Sakakawea and the Missouri River. This is a Class I civil penalty for violations of section 311(b)(3) of the CWA, 33 U.S.C. § 1321(b)(3), so public notice is not required. Contact: Abigail Dean, 303-312-6106.

## Region 9

### Regular Highlights:

#### Enforcement and Compliance Assurance Issues

##### Imperial Irrigation District TSCA Settlement

Region 9 settled an administrative action against the Imperial Irrigation District (“IID”) for Toxic Substances Control Act violations involving an uncontrolled release of polychlorinated biphenyls from inactive electricity substations in Coachella and Indio, California. Region 9 assessed a zero penalty for these violations because they were discovered and remediated as a result of an audit required as a 2015 settlement whereby IID paid a civil penalty of \$379,768 and performed a supplemental environmental project worth over \$511,000. IID expended over \$1.2 million to conduct the PCB audit and to remove nearly 1,900 tons of PCB-contaminated soil and debris from the two sites that were located in heavily residential areas. Contact: David Kim, 415-972-3882.

##### NDOT CWA Stormwater Consent Decree Entered

On September 14, 2016 the U.S. District Court for the Northern District of Nevada, entered a Consent Decree to resolve NDOT’s violations of its statewide MS4 permit. As a result of this enforcement action, the Nevada legislature increased NDOT’s annual budget by \$13.1M to fund a new stormwater division within NDOT. The budget amendment included 39 new positions and \$7.6M in new equipment. Under the Consent Decree, NDOT will develop and implement programs to control discharges from construction activity, areas that are redeveloped or newly developed, and from activities NDOT conducts to operate and maintain the highway system. Additionally, NDOT will map and screen outfalls throughout Nevada and implement practices at all maintenance yards to reduce the discharge of pollutants. NDOT will also implement a \$200,000 Real-Time Water Quality Data Availability SEP and pay a civil penalty of \$120,000. Contact: Ellen Blake, 415-972-3496.

#### OGC Issues

##### Ninth Circuit Remand to EPA on CAA Section 172(c)(9) Contingency Measure Issue

On September 12, 2016, the United States Court of Appeals for the Ninth Circuit issued its decision in *Bahr v. U.S. Environmental Protection Agency*, No. 14-72327, granting in part and denying in part a challenge to EPA’s approval of a state implementation plan revision submitted by Arizona to meet CAA section 189(d) requirements that are applicable to the Maricopa County PM-10 Nonattainment Area. The court upheld EPA’s approval of the 189(d) SIP with regard to two issues: (i) CAA section 189(d) does not require updating previous determinations regarding the stringency of control measures; and (ii) Arizona’s claims that 135 exceedances of the PM-10 national ambient air quality standards were caused by exceptional events. The court remanded EPA’s action with regard to CAA 172(c)(9)’s contingency measures requirements, holding that the CAA unambiguously requires measures that will take effect in the future and therefore precludes already-implemented measures. Contact: Kara Christenson, 415-972-3881.

## Region 10

### Regular Highlights:

#### Enforcement and Compliance Assurance Issues

##### Region 10 Settles CAA Section 112r Violations with Tesoro Refining & Marketing Company, LLC, Anacortes, WA

On September 8, 2016, Region 10 filed a consent agreement and final order against Tesoro Refining & Marketing Company, LLC (Tesoro) to address Clean Air Act 112r risk management program (RMP) violations at the company's refinery in Anacortes, Washington. Violations include RMP requirements for Process Safety Information, Process Hazard Analysis, Operating Procedures, Mechanical Integrity, and Compliance Audits. Respondent agreed to pay a penalty of \$325,000. Contact: Bob Hartman, 206-553-0029; Javier Morales, 206-553-1255.

##### Region 10 Settles CWA Violations with Sorrento Lactalis, Inc., Nampa, ID

On September 8, 2016, Region 10 filed a consent agreement and final order addressing violations of the Clean Water Act by Sorrento Lactalis, Inc. at its facility in Nampa, Idaho. Respondent, which operates a cheese manufacturing facility, discharged pollutants to waters of the U.S. and exceeded its NPDES permit limits for E. coli, phosphorus, TSS and BOD. The company agreed to pay a penalty of \$85,896. Contact: Heather Mapes, 206-553-1987; Chae Park, 206-553-1441.

##### Region 10 Settles EPCRA Section 312 Violations with Oregon Potato Company d/b/a Freeze Pack, Pasco, WA

On September 8, 2016, Region 10 filed a consent agreement and final order addressing violations of Section 312 of the Emergency Planning and Community Right-to-Know Act (EPCRA) by Oregon Potato Company d/b/a Freeze Pack Pasco located in Pasco, Washington. Respondent failed to file its annual Tier II Hazardous Chemical Inventory Report for 2013 for anhydrous ammonia, sulfuric acid, and lead. EPCRA Section 312 requires companies to file hazardous chemical inventory report forms with the State Emergency Response Commission, the Local Emergency Planning Committee, and the local Fire Department each year by March 1<sup>st</sup>. The company agreed to pay a penalty of \$60,000. Contact: Grace Hwang, 206-553-8577; David Magdangal, 206-553-1532.

---